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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,291	12/23/1998	MARTIN H. GRAHAM	003921.P005	4813

7590

08/12/2004

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EXAMINER

BURD, KEVIN MICHAEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 08/12/2004

33

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/221,291

**Applicant(s)**

GRAHAM, MARTIN H.

**Examiner**

Kevin M. Burd

**Art Unit**

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>31</u> . | 6) <input type="checkbox"/> Other: _____  |

1. This office action, in response to the amendment filed 5/14/2004, is a non-final office action.

***Response to Arguments***

2. Applicant's arguments, see amendment, filed 5/14/2004, with respect to the rejection(s) of claim(s) 19-25 under 35 USC 102(e) and 35 USC 103(a) in view of Gord (US 5,999,848) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made using Gord further in view of Watson (US 4,625,235). The rejections using the Yerich et al (US 5,562,711) are withdrawn.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 5/14/2004 is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gord et al (US 5,999,848) in view of Watson (4,625,235).

Regarding claims 19 and 25, Gord discloses a method of encoding a signal shown in figures 6 and 8. A first biphasic pulse has a first portion of a first polarity and a second portion of a second polarity. Following the first pulse, a waiting period where no information is sent occurs. After the waiting period, a second biphasic pulse is transmitted, having two portions, one with a first polarity and one with a second polarity. The time periods and amplitudes are also shown in figure 6. The biphasic pulse transmission is described in column 16, lines 25-43. Gord does not disclose the duration of the waiting a time period being selected to represent a plurality of data bits. Watson discloses bits are represented by the time duration between successive pulses (pulse transitions) (column 8, lines 6-15 and column 10, lines 58-63). This is also shown in figure 5A. On e time duration represents a "1" and a second time duration represents a "0". These data bits are not amplitude dependent as is shown in figure 5A. It would have been obvious for one of ordinary skill in the art at the time of the invention to include the encoding scheme of Watson into the method of encoding signals as described in Gord. Watson provides a method of increasing the capacity of the system by increasing the number of encoded bits.

Regarding claim 20, the biphasic pulse has no DC component since the positive amplitude is equal to the negative amplitude.

Regarding claim 21, the amplitude and pulse width of the pulses are shown in figure 6.

Regarding claim 22, figure 6 shows the biphasic pulse is encoded. One amplitude represents a "1" bit while a second amplitude represents a "0" bit.

Regarding claim 24, the combination of Gord and Watson discloses a method for encoding a signal above. The combination does not disclose the transmission occurs over a twisted wire pair. However, Gord discloses the transmission occurs over a wire transmission system in column 16, lines 16-24. It would have been obvious for one of ordinary skill in the art at the time of the invention transmit the signals generated by the combination in any conventional wired transmission system that allows the information to be received at the desired location free of interference.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gord et al (US 5,999,848) in view of Watson (4,625,235) further in view of Pernyeszi (US 5,969,547).

Regarding claim 23, the combination of Gord and Watson discloses a method for encoding a signal stated in paragraph 4. The combination does not disclose pulse width of each of the pulses represents at least one bit. Pernyeszi discloses pulse widths carry the information with a pulse's width representing a digital value (column 1, lines 17-25). It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate Pernyeszi's method of pulse width encoding data into the method of the combination of Gord and Watson to transmit more information than either system is capable alone. Information can be transmitted over less time and the transmitter will consume less power due to the limited transmission time.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is 703-308-7034. The examiner can normally be reached on Monday - Thursday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 703-306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin M. Burd  
8/9/2004